



## 99TH GENERAL ASSEMBLY

### State of Illinois

2015 and 2016

SB2610

Introduced 2/16/2016, by Sen. John G. Mulroe

#### SYNOPSIS AS INTRODUCED:

New Act  
20 ILCS 2205/2205-13 new

Creates the Continuum of Care Services for the Developmentally Disabled Act. Creates a license for continuum of care facilities that serve individuals with developmental disabilities. Defines terms. Requires the Director of Human Services, in consultation and coordination with the Director of Public Health and Director of Healthcare and Family Services as necessary, to develop a licensure system for continuum of care facilities in accordance with specified purposes. Requires the Director of Human Services to adopt rules to establish the licensure system. Requires applicants for continuum of care licenses to submit continuum of care plans that meet specified criteria to the Director of Human Services. Requires the Director of Human Services, acting as appropriate through or in coordination with the Director of Public Health, to ensure licensees meet specified requirements. Contains provisions concerning the effects of situations that may impact or change a facility's license. Requires the Director of Human Services and Director of Healthcare and Family Services to ensure reimbursements from State and federal sources going to eligible continuum of care facilities meet specified requirements. Amends the Department of Healthcare and Family Services Law of the Civil Administrative Code of Illinois. Provides that the Director of Healthcare and Family Services, in collaboration and coordination with the Director of Human Services, shall develop and submit a request for a waiver pursuant to the federal Social Security Act for the continuum of care license program.

LRB099 19934 MJP 44333 b

FISCAL NOTE ACT  
MAY APPLY

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the  
5 Continuum of Care Services for the Developmentally Disabled  
6 Act.

7 Section 5. Purpose. The purpose of this Act is to authorize  
8 a new type of license for organizations providing services to  
9 individuals with developmental disabilities to be known as a  
10 continuum of care license; to define the requirements for a  
11 continuum of care facility to receive and maintain such a  
12 license; to establish a process for the development of an  
13 alternative budget-neutral reimbursement mechanism for such a  
14 facility; and to authorize a request to the federal government  
15 for a waiver pursuant to Section 1115 of the federal Social  
16 Security Act.

17 Section 10. Definitions. As used in this Act, unless the  
18 context requires otherwise:

19 "Applicable requirements of law" means State and federal  
20 statutes, rules, regulations, and guidance, as such may from  
21 time-to-time be amended or revised, governing the rights,  
22 protections, and services, including reimbursement for such

1 services, afforded to individuals with developmental  
2 disabilities.

3 "Campus group home" means a residential facility meeting  
4 the requirements of Section 30 of this Act and operated as part  
5 of a continuum of care facility licensed under this Act.

6 "Continuum of care facility" means a legally incorporated  
7 entity that provides a comprehensive range of programs,  
8 services, and supports for adults with developmental  
9 disabilities, positioned at a central geographic campus  
10 facility, and including all of the following:

11 (1) community-integrated living arrangements provided  
12 within reasonable geographic proximity of the campus and in  
13 accordance with applicable requirements of law;

14 (2) employment opportunities, including both on-campus  
15 sheltered employment and off-campus supported employment  
16 opportunities provided in accordance with applicable  
17 requirements of law;

18 (3) developmental training programs and services  
19 provided in accordance with applicable requirements of  
20 law;

21 (4) on-campus community living facility opportunities  
22 provided on-campus and in accordance with applicable  
23 requirements of law;

24 (5) campus group home opportunities as authorized and  
25 defined in this Act and provided in accordance with  
26 applicable requirements of law; and

1           (6) medically complex for the developmentally disabled  
2           facility opportunities provided on-campus and in  
3           accordance with applicable requirements of law.

4           "Continuum of care license" means a license issued to a  
5           continuum of care facility in accordance with the terms of this  
6           Act.

7           "Continuum of care plan" means a formal, written plan  
8           meeting the requirements of Section 25 of this Act.

9           "Facility constituent elements" means the particular,  
10          discrete programs, services, and supports delineated in the  
11          definition of "continuum of care facility" and provided  
12          collectively by the facility.

13          Section 15. Powers and duties. The Director of Human  
14          Services, acting in consultation and coordination as necessary  
15          with the Director of Public Health and the Director of  
16          Healthcare and Family Services, shall establish a system of  
17          licensure for continuum of care facilities, in accordance with  
18          this Act, for the following purposes:

19                 (1) protecting the welfare, safety, and rights of  
20                 individuals with developmental disabilities;

21                 (2) providing additional options for care and services  
22                 for individuals with developmental disabilities; and

23                 (3) providing a model of care that can transition  
24                 individuals with developmental disabilities in a seamless  
25                 and timely manner across the continuum of residential care

1 settings and supportive services, training, education, and  
2 employment opportunities in a manner that maximizes  
3 beneficiary choice and satisfaction.

4 Section 20. Licensing standards. The Director of Human  
5 Services shall adopt rules establishing standards for  
6 licensing of continuum of care facilities under a single  
7 license. These rules shall ensure that an applicant for  
8 licensure:

9 (1) meets the definition of "continuum of care  
10 facility" and provides all of the programs, services, and  
11 supports required by that definition;

12 (2) develops, submits, and maintains adherence to a  
13 continuum of care plan that meets the requirements of  
14 Section 25 of this Act;

15 (3) meets the regulatory requirements set forth in  
16 Section 30 of this Act;

17 (4) meets such requirements as the Director of Human  
18 Services may determine appropriate for renewal of  
19 licensure or for amendment of licensure to account for  
20 changes in the composition of facility constituent  
21 elements providing programs or services under the license;  
22 and

23 (5) meets such other requirements as the Director of  
24 Human Services may determine appropriate for the effective  
25 implementation of this Act.

1           Section 25. Continuum of care plan. An applicant for a  
2 continuum of care license shall submit to the Director of Human  
3 Services, in such form and manner as the Director of Human  
4 Services shall require, a continuum of care plan that  
5 demonstrates how the applicant will:

6           (1) undertake a comprehensive approach to facilitating  
7 the movement of individuals to the most appropriate site  
8 and level of care and services provided based on that  
9 individual's preference and needs;

10          (2) provide for the seamless integrated transition of  
11 individuals between and among the required care settings  
12 and services in a manner that addresses the individual's  
13 location on the spectrum of disability and progression  
14 along the age spectrum;

15          (3) maximize employment and training opportunities  
16 consistent with the individual's preferences and  
17 capabilities;

18          (4) provide programs, services, and supports geared to  
19 addressing the demand for services for a growing population  
20 of aging and medically complex individuals with  
21 developmental disabilities; and

22          (5) demonstrate a commitment to providing informed,  
23 free, and meaningful choice regarding the type of community  
24 in which the individual prefers to live and the type of  
25 employment opportunities or developmental training the

1 individual prefers to receive; beneficiary engagement;  
2 annual care planning and ongoing treatment focused on the  
3 needs and preferences of the individual and adherence to  
4 other applicable requirements of law relevant to  
5 protecting the rights and welfare of individuals with  
6 developmental disabilities.

7 Section 30. Applicable requirements. The Director of Human  
8 Services, acting as appropriate through or in coordination with  
9 the Director of Public Health, shall in licensing a continuum  
10 of care facility ensure the following:

11 (1) community-integrated living arrangements provided  
12 by such licensee meet all otherwise applicable  
13 requirements of law pertaining to such arrangements,  
14 including those set forth in the Community-Integrated  
15 Living Arrangements Licensure and Certification Act,  
16 except that a continuum of care facility may prioritize the  
17 movement of individuals into or out of  
18 community-integrated living arrangements from or into  
19 other residential facility constituent elements;

20 (2) on-campus and off-campus employment opportunities  
21 provided by the licensee meet all otherwise applicable  
22 requirements of law pertaining to such opportunities;

23 (3) developmental training programs and services  
24 provided by the licensee meet all otherwise applicable  
25 requirements of law pertaining to such programs and

1 services;

2 (4) community living facility opportunities provided  
3 by the licensee meet all otherwise applicable requirements  
4 of law pertaining to such opportunities;

5 (4) campus group homes provided by the licensee meet  
6 all otherwise applicable requirements of law pertaining to  
7 an ID/DD facility under the ID/DD Community Care Act;

8 (5) medically complex for the developmentally disabled  
9 facility opportunities provided by the licensee meet all  
10 otherwise applicable requirements of law pertaining to  
11 such opportunities; and

12 (6) the applicant complies with such other  
13 requirements as the Director of Human Services may consider  
14 necessary and appropriate to carry out the purposes of this  
15 Act and other applicable requirements of law.

16 Section 35. Existing and future programs and services.

17 (a) To the extent necessary to carry out the purposes of  
18 this Act and to maintain eligibility for reimbursement for  
19 services under applicable State and federal programs,  
20 including Title XIX of the federal Social Security Act,  
21 facility constituent elements of an entity licensed as a  
22 continuum of care facility may be considered to be licensed  
23 pursuant to the otherwise applicable requirements of law as set  
24 forth in Section 30 of this Act.

25 (b) In the event that a continuum of care facility ceases



1 to retain licensure as a continuum of care facility, facility  
2 constituent elements that meet all otherwise applicable  
3 requirements of law with respect to such element as set forth  
4 in Section 30 of this Act shall be deemed to be licensed.

5 (c) Residents of campus group homes and  
6 community-integrated living arrangements that are facility  
7 constituent elements shall continue to be beneficiaries of and  
8 have the rights and protections provided to residents of ID/DD  
9 facilities and community-integrated living arrangements,  
10 respectively, under the consent decree entered by the United  
11 States District Court for the Northern District of Illinois in  
12 the matter of Ligas v. Hamos, No. 1:05-CV-4331 on June 15,  
13 2011.

14 (d) A continuum of care licensee shall be permitted to add  
15 new facility constituent elements under its license provided  
16 that it demonstrates a need for the new facility constituent  
17 elements and that the facility constituent elements meet all  
18 applicable requirements of law.

19 Section 40. Reimbursement rules. The Director of Human  
20 Services and the Director of Healthcare and Family Services  
21 shall:

22 (1) ensure that reimbursement utilizing federal and  
23 State resources for services provided to eligible  
24 beneficiaries through a continuum of care facility  
25 comports with the following requirements:

1 (A) such services shall be reimbursed in a  
2 budget-neutral manner such that reimbursement for  
3 services provided by the facility constituent elements  
4 of a continuum of care licensee shall be neither  
5 greater nor lesser than the reimbursement received for  
6 such services provided by that facility constituent  
7 element prior to the licensing of the continuum of care  
8 facility, adjusted to take into account any subsequent  
9 changes in reimbursement for such similar services,  
10 or, if the facility constituent element is a new  
11 facility reimbursement for the services provided by  
12 the new facility shall be no less than the  
13 reimbursement received for such services by a  
14 comparable facility constituent element of that  
15 continuum of care facility; and

16 (B) for purposes of reimbursement under Title XIX  
17 of the federal Social Security Act, a continuum of care  
18 licensee shall enter into a single provider agreement  
19 with the Director of Healthcare and Family Services;  
20 changes that may occur from time to time in the  
21 facility constituent elements under the continuum of  
22 care license shall be addressed as may be required by  
23 applicable requirements of law through amendments to  
24 the provider agreement; the Director of Healthcare and  
25 Family Services shall make all reasonable efforts to  
26 ensure that all facility constituent elements that are

1 approved parts of a continuum of care license remain  
2 qualified for reimbursement under relevant State and  
3 federal programs including Title XIX of the federal  
4 Social Security Act; and

5 (2) in cooperation with interested stakeholders,  
6 develop an alternative payment methodology for a continuum  
7 of care facility involving the utilization of an annualized  
8 global payment amount or other mechanism.

9 Section 45. The Department of Healthcare and Family  
10 Services Law of the Civil Administrative Code of Illinois is  
11 amended by adding Section 2205-13 as follows:

12 (20 ILCS 2205/2205-13 new)

13 Sec. 2205-13. Authorization to secure a federal waiver  
14 pursuant to Section 1115 of the federal Social Security Act.

15 (a) The Director of Healthcare and Family Services, in  
16 collaboration and coordination with the Director of Human  
17 Services, shall develop and submit to the United States  
18 Department of Health and Human Services, Centers for Medicare  
19 and Medicaid Services, Center for Medicaid and State  
20 Operations, a request for a waiver pursuant to Section 1115 of  
21 the federal Social Security Act consistent with the purpose of  
22 subsection (b) of this Section and requirements of subsection  
23 (c) of this Section.

24 (b) The purpose of the waiver authorized by subsection (a)

1 of this Section is to obtain approval for the use of funds  
2 under Title XIX of the federal Social Security Act to provide  
3 for an alternative model of licensure, reimbursement, and  
4 quality assurance for services to individuals with  
5 developmental disabilities consistent with the Continuum of  
6 Care Services for the Developmentally Disabled Act.

7 (c) A waiver requested pursuant to this authorization must  
8 involve the licensure of a continuum of care facility pursuant  
9 to and consistent with all requirements of the Continuum of  
10 Care Services for the Developmentally Disabled Act and a  
11 proposal for a reimbursement methodology developed under  
12 paragraph (2) of Section 40 of the Continuum of Care Services  
13 for the Developmentally Disabled Act.